

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VSTREAM TECHNOLOGIES, LLC,

Plaintiff,

v.

**PLR IP HOLDINGS LLC, PLR
ECOMMERCE LLC, PLR BRAND
SERVICES LLC;**

**C&A IP HOLDINGS LLC, C&A
MARKETING INC., C&A LICENSING
LLC;**

**DRIFT INNOVATION INC., DRIFT
INNOVATION LTD.;**

AND CONTOUR LLC,

Defendants.

Civil Action No. 6:15-cv-974

***Consolidated with Civil Action Nos.
6:15-cv-976 and 6:15-cv-977***

VSTREAM TECHNOLOGIES, LLC

Plaintiff,

v.

**MOTOROLA MOBILITY LLC,
BLACKBERRY LTD.,
BLACKBERRY CORP.,**

Defendants.

VSTREAM TECHNOLOGIES, LLC,

Plaintiff,

v.

**RICOH IMAGING AMERICAS
CORPORATION, RICOH AMERICAS
CORPORATION, RICOH USA INC.,
RICOH IMAGING COMPANY LTD.,
AND RICOH COMPANY LTD.,**

Defendants.

AMENDED AGREED DOCKET CONTROL ORDER

Before the Court is the Joint Motion to Amend the Docket Control Order filed by the Parties. Having considered the Motion, it is hereby GRANTED and it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this court:

Date	New Date	
March 13, 2017		*Jury Selection – 9:00 a.m. in Tyler, Texas
February 16, 2017		*Pretrial Conference – 9:00 a.m. in Tyler, Texas before Judge John Love
February 8, 2017		<p>*Notify Court of Agreements Reached During Meet and Confer</p> <p>The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i>. The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.</p>
February 6, 2017		<p>*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, and Responses to Motions <i>in Limine</i></p>
January 30, 2017		<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p>
January 23, 2017		<p>File Motions <i>in Limine</i></p> <p>The parties shall limit their motions <i>in limine</i> to issues that if improperly introduced at trial would be so prejudicial that the Court could not alleviate the prejudice by giving appropriate instructions to the jury.</p>

Date	New Date	
January 23, 2017		Serve Objections to Rebuttal Pretrial Disclosures
January 9, 2017		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
January 2, 2017		Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
November 21, 2016	December 5, 2016	<p>*File Motions to Strike Expert Testimony (including Daubert Motions)</p> <p>No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
November 7, 2016	December 5, 2016	<p>*File Dispositive Motions</p> <p>No dispositive motion may be filed after this date without leave of the Court.</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances.</u> <u>Exceptional circumstances require more than agreement among the parties.</u></p>
November 4, 2016	December 2, 2016	Deadline to Complete Expert Discovery
October 31, 2016	November 22, 2016	Serve Disclosures for Rebuttal Expert Witnesses
October 10, 2016	October 24, 2016	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
October 17, 2016	November 1, 2016	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
September 1, 2016		<p>Deadline to Complete Mediation</p> <p>The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation.</p>

Date	New Date	
August 25, 2016		Comply with P.R. 3-7 (Opinion of Counsel Defenses)
August 4, 2016		*Claim Construction Hearing – 9:00 a.m. in Tyler, Texas before Judge John Love
August 2, 2016		Defendants May File a Non-Argumentative Supplemental Claim Construction Pleading for Purposes of Presenting Deposition Testimony Evidence to the Court
July 28, 2016		*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
July 21, 2016		*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
July 7, 2016		Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
June 23, 2016		Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any) Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).
August 15, 2016		Deadline to Substantially Complete Document Production and Exchange Privilege Logs Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.
July 28, 2016		Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
June 2, 2016		File Response to Amended Pleadings
May 19, 2016		*File Amended Pleadings It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.

Date	New Date	
May 12, 2016		Comply with P.R. 4-3 (Joint Claim Construction Statement)
April 25, 2016		Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
April 11, 2016		Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
April 4, 2016		Comply with P.R. 3-3 & 3-4 (Invalidity Contentions)
March 14, 2016		<p>*File Proposed Protective Order and Comply with Paragraphs 1 & 3 of the Discovery Order (Initial and Additional Disclosures)</p> <p>The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.</p>
March 7, 2016		<p>*File Proposed Docket Control Order and Proposed Discovery Order</p> <p>The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.</p>
May 16, 2016		Join Additional Parties
February 25, 2016		*File Notice of Mediator
February 8, 2016		Comply with P.R. 3-1 & 3-2 (Infringement Contentions)

(*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

ADDITIONAL REQUIREMENTS

Notice of Mediator: The parties are to jointly file a notice that identifies the agreed upon mediator or indicates that no agreement was reached. If the parties do not reach an agreement, the Court will appoint a mediator. The parties should not file a list of mediators to be considered by the Court.

Summary Judgment Motions, Motions to Strike Expert Testimony, and Daubert Motions:

For each motion, the moving party shall provide the Court with two (2) copies of the completed briefing (opening motion, response, reply, and if applicable, surreply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall submitted on a single flash drive. These copies shall be delivered as soon as briefing has completed.

Indefiniteness: In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

Motions under 35 U.S.C. § 101: Parties seeking to file dispositive motions under 35 U.S.C. § 101 before the Court's Claim Construction Order has issued may do so only upon a grant of leave from the Court after a showing of good cause, which shall be presented through the letter briefing process described above. Parties may file dispositive motions under 35 U.S.C. § 101 without leave from the Court within two weeks of the issuance of the Court's Claim Construction Order without use of the Court's letter briefing process described above.

Motions for Continuance: The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
- (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

Amendments to the Docket Control Order (“DCO”): Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

Proposed DCO: The Parties' Proposed DCO should also follow the format described above under "Amendments to the Docket Control Order ('DCO')."

So ORDERED and SIGNED this 19th day of September, 2016.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE